

REMARKS

This Response responds to the Office Action dated April 6, 2005 in which the Examiner rejected claim 15 under 35 U.S.C. §102(b), rejected claims 36, 41, 44, 46-52, 54-55 and 57-58 under 35 U.S.C. §103 and objected to claims 16-19, 37, 39, 42-43, 53, 56 and 59-64 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Claim 15 claims a powder molding apparatus comprising a mold, a mold transporting mechanism, a compression driving mechanism and a linking means. The mold comprises a die having a powder molding space, and upper and lower punch units. The mold transporting mechanism is for transporting the mold between at least a powder supplying stage, a compressing molding stage, and a molded article extracting stage. The compression driving mechanism is for performing compression molding by driving the upper and lower punch units independently in the compressing molding stage. The linking means is for detachably linking at least one of the upper and lower punch units to the compression driving mechanism, while moving in a direction orthogonal to the compression driving direction of the upper and lower punch units.

Through the structure of the claimed invention having a linking means for moving in a direction orthogonal to the compression driving direction of the upper and lower punch units while detachably linking at least one of the upper and lower punch units, as claimed in claim 15, the claimed invention provides a powder molding apparatus which can be designed more compactly since no compression force acts in the linking direction. The prior art does not show, teach or suggest the invention as claimed in claim 15.

Claim 15 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Maekawa et al.* (U.S. Patent No. 3,663,147).

Applicants respectfully traverse the Examiner's rejection of the claim under 35 U.S.C. §102(b). The claim has been reviewed in light of the Office Action, and for reasons which will be set forth below, applicants respectfully request the Examiner withdraws the rejection to the claim and allows the claim to issue.

In the Office Action, the Examiner stated that the claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Applicants respectfully traverse the Examiner's statement. In particular, the Examiner's argument is directed to claims which do not contain a means-plus-function limitation and in particular is directed to §2114 of the MPEP. However, as stated on page 2100-59 of the MPEP, "for a discussion of case law which provides guidance in interpreting the functional portion of means-plus-function limitations, see MPEP §2181-§2186." In particular, under §2183, in order to support a conclusion that the prior art element is equivalent, the prior art element must perform the identical function specified in the claim in substantially the same way and produce substantially the same results. Nothing in the prior art shows, teaches or suggests a linking means which moves in a direction orthogonal to the compression driving direction of the upper and lower punch units and detachably links at least one of the upper and lower punch units as claimed in claim 15. Applicants respectfully point out that a linking means for detachably linking at least one of the upper and lower punch units to the compression driving means while moving orthogonal to the compression driving direction of the upper and lower punch units is not shown, taught or suggested by *Maekawa et al.*

Maekawa et al. appears to disclose production of molded articles such as medicinal tablets. (col. 1, lines 5-6) Although the rotational structure is shown in FIG. 6, as having a laminated construction composed essentially of three stories, namely the upper story or upper punch block 51, holding the upper punch members 201 through 217 while permitting their vertical movement, the middle story or die block 52 fixedly holding the die cavities 401 through 417 and the lower story or lower punch block 53 holding the lower punch members 301 through 317 equally permitting their vertical sliding movement, the structure is practically an integral member, or at least functions as one member, because its purpose is to enable the transferring of each combination of punch members and die in parallel while keeping them in a single vertical line. (col. 3, lines 29-41) According to the special feature, upper and lower punch members, each provided with a roller whose diameter is nearly equal to that of the punch member therefore as is indicated by numerals 201a through 217a and 301a through 317a, are employed in addition to the above described conventional members and construction. Simultaneously, a plurality of semi-annular tracking rails 121, 122, 123 and 124, cooperative with said auxiliary rollers, are installed on the stationary frame 1 of the apparatus. The tracking rail 121 contacts the upper punch members in the positions 204 through 210 at their rollers 204a through 210a while the tracking rail 123 contacts the lower punch members in the positions 304 through 311 at their rollers 304a through 311a. Furthermore, the tracking rail 122 contacts the upper punch members in the positions 212 through 214 at their rollers 212a through 214a while the tracking rail 124 contacts the lower punch members in the positions 312 through 314 at their rollers 312a through 314a. Each of the junctions between the auxiliary rollers and punch members is made so

that it can withstand a pressure load of at least 300 Kg. As is shown in FIG. 7, each of the tracking rails is installed on abutments 121a through 124a projecting from the stationary frame of the apparatus through suitable resilient means such as springs 121s through 124s so that they can always keep good contact with the rollers. (col. 4, lines 25-48)

Thus, *Maekawa et al.* merely discloses tracking rails 121-124 which cooperate with auxiliary rollers and are installed on abutments through resilient means such as springs 121s-124s so that they can keep in contact with the rollers. In other words, as clearly shown in Figure 7, the springs 121s-124s are placed such that the rails move in the same direction as the punch members 201-217 are pushed by rollers 61-64. However, as claimed in claim 15, the linking means moves in a direction orthogonal to the compression driving direction of the upper and lower punch units and detachably links at least one of the upper and lower punch units. However, as clearly shown in Figure 7 of *Maekawa et al.*, the springs 121s-124s are used to keep the tracking rails into abutment against the rollers in the compression driving direction.

Since nothing in *Maekawa et al.* shows, teaches or suggests a linking means for moving in a direction orthogonal to the compression driving direction of the punch units and detachably linking the punch units as claimed in claim 15, Applicants respectfully request the Examiner withdraws the rejection to claim 15 under 35 U.S.C. § 102(b).

Claims 36, 41, 44, 46 and 48 were rejected under 35 U.S.C. § 103 as being unpatentable over *Maekawa et al.* in view of *Hudson* (U.S. Patent No. 4,789,323). In addition, claims 36, 41, 44, 46-52, 54-55 and 57-58 were rejected under 35 U.S.C. §

103 as being unpatentable over *Maekawa et al.* in view of *Schaidl et al.* (U.S. Patent No. 5,049,054).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Maekawa et al.* shows, teaches or suggests the primary features as claimed in claim 15 as discussed above, Applicants respectfully submit that the combination of the primary references with the secondary references to *Hudson* or *Schaidl et al.* would not overcome the deficiencies of the primary references. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 36, 41, 44, 46-52, 54-55 and 57-58 under 35 U.S.C. § 103.

Since objected to claims 16-19, 37, 39, 42-43, 53, 56 and 59-64 depend from allowable claims, Applicants respectfully request the Examiner withdraws the objection thereto.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this amendment for purposes of appeal.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants'

undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.


In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

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